

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re: **CERNUTO, INCORPORATED**
Debtor

Case # **04-29682** 52
Chapter 7

MOTION FOR RELEASE OF UNCLAIMED FUNDS

I, the undersigned petitioner, under penalty of perjury under the laws of the United States of America, certify that the following statements and information are true and correct:

- 1) I, John J. Marshall, acting in my capacity as Managing Member of JM Partners LLC, Attorney in Fact for BlueLinx Corp ("Creditor") am petitioning to receive the total amount of \$ 7935.71, which is the sum of all monies deposited with the Court by the case trustee on behalf of the Creditor and which are still due and owing to the Creditor, per the evidence included herewith.
- 2) Creditor is the proper owner of the funds in question, and has not subsequently sold, assigned, or transferred my rights or the funds due for same. I am familiar with the laws regarding such matters, both state law and specifically that applying within this Court, and having conducted my proper research and due diligence, can state that no other party has any interest in the funds. I have provided herewith all appropriate evidence, as well as identification.
- 3) The name and contact information, and a brief history of the original creditor, are all provided per the evidence herewith, and are factually noted as follows:

Original Creditor Address	Current Creditor Address
BlueLinx Corp ATTN: Alva Birks 4100 Wildwood Pkwy 2 nd FL Atlanta, GA 30339	BlueLinx Corporation ATTN: Dale Baird / Corporate Credit Manager 4300 Wildwood Parkway Atlanta, GA 30339
Attorney in Fact Address	Brief History
JM Partners LLC ATTN: John Marshall / Mng Mmbr 12201 Gayton Road Suite 220 Richmond, VA 23238-8203 Phone 804-740-2972	The original Creditor changed mailing addresses subsequent to the case being filed, and neglected to update the Court or Trustee, thus leading to the funds being lost/returned in the mail, and deposited to the Unclaimed Funds Registry.

4) I understand that, pursuant to 18 U.S.C. 152, I may be fined not more than \$5,000, or imprisoned not more than five years, or both, if I have knowingly and fraudulently made any false statements in this document.

5) **AFFIDAVIT AND CERTIFICATE OF SERVICE.** Notice is hereby given, and by my signature below I hereby certify, that on 5/19/12 a copy of this fully completed document including all attachments was served on the U.S. Attorney, per 28 U.S.C., Section 2042 as well as the US Trustee, at the following addresses, by U.S. Postal Service first class postage prepaid:

Office of the US Trustee
Liberty Center.
1001 Liberty Avenue, Suite 970
Pittsburgh, PA 15222

Office of the US Attorney
Western District of Pennsylvania
633 US Post Office & Courthouse
Grant Street
Pittsburgh, PA 15219

Debtor
Cernuto Incorporated
PO Box C
Tarrs, PA 15688

Debtor's Attorney
Robert H. Slone
Mahady & Mahady
223 South Maple Avenue
Greensburg, PA 15601

Notary Public:

Said John J. Marshall, being known to me – or having first supplied to me sufficient identification to establish his identify – did Swear and Subscribe before me on this 14th day
Of May, 2012

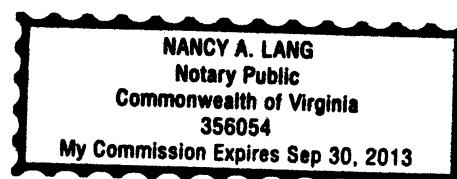
Nancy A. Lang
Signature of Notary Public

State of Virginia – City/County of Henrico

Nancy A. Lang

Notary Public (name / print)
My Commission Expires: 9/30/2013

SEAL



INDEX TO ENCLOSURES

Unclaimed Funds Recovery

HOLDER: USBC PA Western District
CASE # 04-29682 Cernuto Incorporated
CLAIMANT: JM Partners LLC, Attorney-in-Fact
for BlueLinx Corp

Listing of the Unclaimed Funds

Affidavit of Creditor

Brief History Statement & Recap of Supporting Evidence:

BlueLinx Corp was the Creditor in this matter. Creditor changed mailing addresses subsequent to filing the claim. Unfortunately, Creditor neglected to inform the Court or Trustee of this, and that apparently lead to the unclaimed funds in this case.

JM Partners LLC ("Claimant") – who acts both as a Funds Recovery Agent and a Bankruptcy Claim Purchaser / Investor – located the Creditor, disclosed the full details of the account, and sought an engagement to either recover the funds as Agent, or simply to purchase an Assignment of the account. The Creditor elected the former option, and has engaged Claimant for such work as is necessary to secure the release of the funds. Thus, JM Partners LLC makes this application as the Attorney-in-Fact for the Creditor.

ID & Authority of Creditor's Rep

Evidence Linking to Case/Debtor

LPOA, engaging JM Partners LLC

Affidavit of JM Partners LLC

Prepared & Submitted by:

JM Partners LLC
PO Box 29940
Richmond, VA 23242-0940
Phone 804-740-2972
jmarshall@jmpartnersllc.com

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15